

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 2023

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Introduced by Assembly Member Jones

February 23, 2012

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An act to amend Section ~~11999~~ of the Health and Safety Code ~~16001.9~~ of the Welfare and Institutions Code, relating to ~~drugs and alcohol programs~~ foster care.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2023, as amended, Jones. ~~Drug and alcohol programs. Foster care placement: rights of children.~~

*Existing law provides that it is the policy of this state that all children in foster care have the right to not be locked in a room, building, or facility premises, unless placed in a community treatment facility.*

*This bill would provide that the right does not apply to privately funded residential facilities that treat individuals under 18 years of age for substance or alcohol abuse.*

~~Existing law makes findings and declarations about the use of illegal drugs and the consumption of alcohol by persons under 21 years of age. It is the intent of the Legislature that the messages and information provided by the drug and alcohol programs promote no unlawful use of any drug or alcohol.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 16001.9 of the Welfare and Institutions*  
2     *Code is amended to read:*

3     16001.9. (a) It is the policy of the state that all children in  
4     foster care shall have the following rights:

5         (1) To live in a safe, healthy, and comfortable home where he  
6         or she is treated with respect.

7         (2) To be free from physical, sexual, emotional, or other abuse,  
8         or corporal punishment.

9         (3) To receive adequate and healthy food, adequate clothing,  
10        and, for youth in group homes, an allowance.

11        (4) To receive medical, dental, vision, and mental health  
12        services.

13        (5) To be free of the administration of medication or chemical  
14        substances, unless authorized by a physician.

15        (6) To contact family members, unless prohibited by court order,  
16        and social workers, attorneys, foster youth advocates and  
17        supporters, Court Appointed Special Advocates (CASAs), and  
18        probation officers.

19        (7) To visit and contact brothers and sisters, unless prohibited  
20        by court order.

21        (8) To contact the Community Care Licensing Division of the  
22        State Department of Social Services or the State Foster Care  
23        Ombudsperson regarding violations of rights, to speak to  
24        representatives of these offices confidentially, and to be free from  
25        threats or punishment for making complaints.

26        (9) To make and receive confidential telephone calls and send  
27        and receive unopened mail, unless prohibited by court order.

28        (10) To attend religious services and activities of his or her  
29        choice.

30        (11) To maintain an emancipation bank account and manage  
31        personal income, consistent with the child's age and developmental  
32        level, unless prohibited by the case plan.

33        (12) (A) To not be locked in a room, building, or facility  
34        premises, unless placed in a community treatment facility.

35        (B) *This paragraph shall not apply to privately funded*  
36        *residential facilities that treat individuals under 18 years of age*  
37        *for substance or alcohol abuse.*

1 (13) To attend school and participate in extracurricular, cultural,  
2 and personal enrichment activities, consistent with the child's age  
3 and developmental level with minimal disruptions to school  
4 attendance and educational stability.

5 (14) To work and develop job skills at an age-appropriate level,  
6 consistent with state law.

7 (15) To have social contacts with people outside of the foster  
8 care system, such as teachers, church members, mentors, and  
9 friends.

10 (16) To attend Independent Living Program classes and activities  
11 if he or she meets age requirements.

12 (17) To attend court hearings and speak to the judge.

13 (18) To have storage space for private use.

14 (19) To be involved in the development of his or her own case  
15 plan and plan for permanent placement.

16 (20) To review his or her own case plan and plan for permanent  
17 placement, if he or she is 12 years of age or older and in a  
18 permanent placement, and to receive information about his or her  
19 out-of-home placement and case plan, including being told of  
20 changes to the plan.

21 (21) To be free from unreasonable searches of personal  
22 belongings.

23 (22) To confidentiality of all juvenile court records consistent  
24 with existing law.

25 (23) To have fair and equal access to all available services,  
26 placement, care, treatment, and benefits, and to not be subjected  
27 to discrimination or harassment on the basis of actual or perceived  
28 race, ethnic group identification, ancestry, national origin, color,  
29 religion, sex, sexual orientation, gender identity, mental or physical  
30 disability, or HIV status.

31 (24) At 16 years of age or older, to have access to existing  
32 information regarding the educational options available, including,  
33 but not limited to, the coursework necessary for vocational and  
34 postsecondary educational programs, and information regarding  
35 financial aid for postsecondary education.

36 (b) Nothing in this section shall be interpreted to require a foster  
37 care provider to take any action that would impair the health and  
38 safety of children in out-of-home placement.

39 (c) The State Department of Social Services and each county  
40 welfare department are encouraged to work with the Student Aid

1 Commission, the University of California, the California State  
2 University, and the California Community Colleges to receive  
3 information pursuant to paragraph (23) of subdivision (a).

4 ~~SECTION 1. Section 11999 of the Health and Safety Code is~~  
5 ~~amended to read:~~

6 ~~11999. The Legislature finds and declares all of the following:~~

7 ~~(a) The Legislature has established various drug- and~~  
8 ~~alcohol-related programs that provide for education, prevention,~~  
9 ~~intervention, treatment, or enforcement.~~

10 ~~(b) The Legislature has classified certain substances as~~  
11 ~~controlled substances and has defined the lawful and unlawful use~~  
12 ~~of controlled substances, which are commonly referred to as, but~~  
13 ~~not limited to, anabolic steroids, marijuana, and cocaine.~~

14 ~~(c) The Legislature has classified certain substances as imitation~~  
15 ~~controlled substances, which are commonly referred to as, but not~~  
16 ~~limited to, designer drugs.~~

17 ~~(d) The Legislature has determined that the possession with~~  
18 ~~the intent to be under the influence, or being under the influence~~  
19 ~~of toluene, or a substance or material containing toluene, or a~~  
20 ~~substance with similar toxic qualities, is unlawful. Some substances~~  
21 ~~or materials containing toluene, or substances with similar toxic~~  
22 ~~qualities, are commonly referred to, but not limited to, inhalants~~  
23 ~~such as cement, glue, and paint thinner.~~

24 ~~(e) The Legislature has determined that the purchase,~~  
25 ~~possession, or use of alcohol by persons under 21 years of age is~~  
26 ~~unlawful.~~

27 ~~(f) Public and private agencies that provide information~~  
28 ~~pertaining to the drug- and alcohol-related programs provide mixed~~  
29 ~~messages and misinformation relating to the unlawful use of drugs~~  
30 ~~and alcohol. It is the intent of the Legislature that the messages~~  
31 ~~and information provided by the drug and alcohol programs~~  
32 ~~promote no unlawful use of any drug or alcohol. Mixed messages~~  
33 ~~mean communications discussing how to use or when to use~~  
34 ~~unlawful drugs or alcohol.~~

35 ~~(g) Material, curricula, teachings, or promotion of responsible~~  
36 ~~use, if the use is unlawful, of drugs or alcohol is inconsistent with~~  
37 ~~the law.~~

38 ~~(h) The “no unlawful use” message applies to all drug and~~  
39 ~~alcohol programs for the people of the State of California. These~~

- 1 ~~materials are to teach and promote that unlawful use of drugs and~~
- 2 ~~alcohol is illegal and dangerous.~~

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